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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,122	12/19/2000	Andrew Louis Wolf	L3472.00101	3141

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 NEEDLE & ROSENBERG, P.C.  
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 999 PEACHTREE STREET  
 ATLANTA, GA 30309-3915

EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/739,122

Applicant(s)

WOLF ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17,18,22-28 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17,18,22-28 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Response to Amendment*

This office action is in response to amendment filed June 29, 2005. Applicant amended claims 17, 28 and 31 and canceled claim 21. Claims 17, 18, 21-28 and 31 are currently pending.

### *Claim Objections*

Claim 28 is objected to because of the following informalities: since the claim has been amended the status identification should be "currently amended". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 31 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 31 recites "to provide to a seller a confirmation of authenticity of the coupon after the buyer has presented the pre-printed rebate coupon with approval code" and "to support receipt of notice of a funding of a purchase and matches the previously provided approval code". Applicant's specification (including the pages cited by applicant) does not teach providing to a seller a confirmation of authenticity and also matching the previously provided approval code. If applicant could indicate a support for the claimed invention in applicant's disclosure then the

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rejection would be withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 17, 18, 22-28, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Forward U.S. Patent No. 6,578,011.

Regarding claims 17, 18, 25 and 27, Forward teaches a host system for signing up seller to pay commission to the host; obtaining a listing of inventory of property to be sold; maintaining database at the host which contain data records of different types and chronologies (see abstract and col. 4 line 32 to col. 5 line 50); processing rebate coupon by the host for properties selected to tour (see col. 6 lines 42-52); users remotely accessing via a communication network, Internet, to specify selection criteria to search the database...and delivering results of the search; recording each step of the method

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information in the data records; ranking of each search results with formula ... (see fig. 1-3 and col. 5 lines 4-19). Forward teaches wherein the processing of rebate coupons comprises of registering by a remotely accessing user of a purchase certificate comprising of a contract, an identification number, electronic certificate, or a hard copy and receiving an approval code from the host (see col. 5 lines 61-67 and col. 6 lines 1-52), seller verifying the authenticity of the coupon after the buyer presented the rebate coupon to the seller and receiving notice of funding of purchase after the buyer has completed the sale (see col. 5 lines 50-60, lines 10 and lines 42-52 and col. 8 lines 44-67). Applicant's specification indicates that the seller can verify the authenticity of the approval code using the instructions provided by the host. Foster teaches the incentive information specifies a condition that the buyer, is only qualified for the incentive if the buyer does not utilize a co-broker; the buyer and the seller creating a contract for the purchase of an item; without a co-broker in order to qualify for the incentive and as part of the contract the buyer receives a purchase which suggests that the seller verified the authenticity of the buyer based on the incentive information. The rebate coupon being clipped from a print-media or other sources does not alter the registering process, therefore no patentable weight was given to the claimed feature.

Regarding claims 22-24, Forward teaches designating the host system as cooperating broker; buying the property by the potential buyer; pay of the buyer rebate when the seller pays the commission; invoicing the host of the seller of the broker's commission (see Fig. 1-4 and col. 5 lines 61 to col. 6 line 52).

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Regarding claim 28, Forward teaches receiving and storing data relating to buyers, to form a buyer profile (see col. 7 lines 4-26).

Regarding claim 26, Forward show the aggregation of selected records into a group (see col. 4 line 13 to col. 5 line 3-19).

Claim 31 is rejected as stated above in claim 17.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forward and further in view of Von Kohorn (US5128752).

Regarding claims 31, Forward teaches a host system for signing up seller to pay commission to the host; a listing of inventory of property to be sold with a buyer rebate funded by the host; database that is maintained by the host which contain data records of different types and chronologies (see abstract and col. 4 line 32 to col. 5 line 50); processing rebate coupon by the host for properties selected to tour (see col. 6 lines 42-52); users remotely accessing via a communication network, Internet, to specify selection criteria to search the database...and delivering results of the search; recording each step of the method information in the data records; ranking of each search results with formula ... (see fig. 1-3 and col. 5 lines 4-19). Forward teaches wherein the processing of rebate coupons comprises of registering by a remotely accessing user of a purchase certificate

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comprising of a contract, an identification number, electronic certificate, or a hard copy and receiving an approval code from the host (see col. 5 lines 61-67 and col. 6 lines 1-52), seller verifying the authenticity of the coupon after the buyer presented the rebate coupon to the seller and receiving notice of funding of purchase after the buyer has completed the sale (see col. 5 lines 50-60, lines 10 and lines 42-52 and col. 8 lines 44-67). Applicant's specification indicates that the seller can verify the authenticity of the approval code using the instructions provided by the host. Foster teaches the incentive information specifies a condition that the buyer, is only qualified for the incentive, if the buyer does not utilize a co-broker; the buyer and the seller creating a contract for the purchase of an item; without a co-broker in order to qualify for the incentive and as part of the contract the buyer receives a purchase which suggests that the seller verified the authenticity of the buyer based on the incentive information. Forward does not teach providing to a seller a confirmation of authenticity of the coupon after the buyer presents the pre-printed rebate coupon with approval code to the seller and providing to as seller confirmation of the authenticity of the coupon present to the seller with approval code, it is taught in Von Kohorn (see col. 5 line 57 to col. 10). Von Kohorn teaches that the seller (employee) review or authenticate the discount information line or other recorded coupon redemption information to verify the compliance with the predetermined redemption requirements. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such approval and verification system and match the approval code associated with the buyer in Forwards rebate system for the intended use of verifying if the buyer or shopper is in compliance with Forward's rebate requirements.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YR

  
RETTA YEHDEGA  
PRIMARY EXAMINER